

Please forward assigned FOIA request to your Division Director so they can determine and directly notify the RA or RA-D that they need to be assigned the FOIA request for responsive records. (This includes 6RA, 6RA-D) Also, if a determination is made that the FOIA request needs to be assigned to a different Division, Region and/or Headquarters, please inform the FOIA Office.

Renew

FREEDOM OF INFORMATION ACT REQUEST
EPA-R6-2017-011225

REQUEST DATE: Sept. 07, 2017

REQUEST RECEIVED: Sept. 07, 2017

REQUESTOR INFORMATION:

Mr. Patrick J. Fanning
Troutman Sanders LLP
1001 Haxall Point
Richmond, VA 23218

Email: Patrick.fanning@troutmansanders.com

Work Phone # 804-697-1363

Fax: Not available

FEE CATEGORY: Commercial

*****SUBJECT*****

I would like my request to be fulfilled by the 20 day deadline required by 5 USC 552(a)(6)(A). I also request rolling production of records as they become available (not every 30 days). I am requesting redacted production of any privileged or exempted materials and I am also requesting a denial log. I do not request CBI substantiation at this time. There is no date range for items 2 and 3 as those items relate to records associated with specific events. I request 1) Any and all records (including, but not limited to, meeting minutes, electronic messages, notes, drafts, letters, calendar appointments, etc.) relating that certain Petition to EPA on behalf of the Ouachita Riverkeeper and Louisiana Environmental Action Network seeking an EPA objection under the Clean Water Act (CWA) to a draft National Pollutant Discharge Elimination System (NPDES) permit issued by the Arkansas Department of Environmental Quality (ADEQ) to Georgia-Pacific, LLC for its paper mill, chemical plant, and related facilities in Crossett, Arkansas, and alleging CWA violations filed on or about May 3, 2017. Please provide these records for the timeframe of June 20, 2017, the date of my previous request (Request# EPA-R6-2017-008647), to the present. 2) Any and all records (including, but not limited to, meeting minutes, electronic messages, notes, drafts, letters, calendar appointments, etc.) relating to that certain meeting held on or about August 16, 2016 at the Crossett Public Library regarding "Crossett Conversation on Environmental Odors and Hydrogen Sulfide Emissions." 3) Any and all records (including, but not limited to, dates, agendas, meeting minutes, electronic messages, notes, drafts, letters, calendar appointments, etc.) relating to EPA Region VI Arkansas Environmental Justice Update conference calls, including a list of participants in such conference calls. See letter for details.

Special note: EDISCOVERY. When email records for outlook need to be searched, initiate an eDiscovery MS outlook email search request for this FOIA Request. Please forward your MS Outlook request in a separate email to (lane.leticia@epa.gov and alaw.sam@epa.gov), include the following information :

Request Number: FOIA Request – EPA-R6-20xx-000000

Information: MS Outlook email search needed for (USER NAME AND EMAIL ADDRESS).

Keywords:

Date Range: Start Date: MONTH/DATE/YEAR - End Date: MONTH/DATE/YEAR

Reviewers (this is the person who will review the records to see if it is responsive): Name and email addresses.

*****ASSIGNED OFFICE(S)*****

6WQ
6RC

DUE DATE: Oct. 05, 2017

*****SPECIAL INSTRUCTIONS TO DIVISIONS*****

1. Always note Fee commitment by requester: \$ 250.00
2. Call the requester with a fee estimate, if cost is expected to exceed amount committed \$ 250.00
3. Each Division must obtain Division Director or delegate concurrence on denial log before routing to ARA signature.
4. Send a copy of the response and cost information sheet to the FOIA Office (6MD-OE).

*****DO NOT WRITE IN THIS SPACE, FOR FOIA OFFICE USE ONLY*****

BILLABLE COST

\$4.00	\$7.00	\$10.25	Pages	Other	TOTAL
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6WQ
6RC

ADMINISTRATIVE COST

Postage	Free Docs.	Other	TOTAL
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6WQ
6RC

EPA-R6-2017-011225

I would like my request to be fulfilled by the 20 day deadline required by 5 USC 552(a)(6)(A). I also request rolling production of records as they become available (not every 30 days). I am requesting redacted production of any privileged or exempted materials and I am also requesting a denial log. I do not request CBI substantiation at this time. There is no date range for items 2 and 3 as those items relate to records associated with specific events . I request 1) Any and all records (including, but not limited to, meeting minutes, electronic messages, notes, drafts, letters, calendar appointments, etc.) relating that certain Petition to EPA on behalf of the Ouachita Riverkeeper and Louisiana Environmental Action Network seeking an EPA objection under the Clean Water Act (CWA) to a draft National Pollutant Discharge Elimination System (NPDES) permit issued by the Arkansas Department of Environmental Quality (ADEQ) to Georgia-Pacific, LLC for its paper mill, chemical plant, and related facilities in Crossett, Arkansas, and alleging CWA violations filed on or about May 3, 2017. Please provide these records for the timeframe of June 20, 2017, the date of my previous request (Request# EPA-R6-2017-008647), to the present. 2) Any and all records (including, but not limited to, meeting minutes, electronic messages, notes, drafts, letters, calendar appointments, etc.) relating to that certain meeting held on or about August 16, 2016 at the Crossett Public Library regarding "Crossett Conversation on Environmental Odors and Hydrogen Sulfide Emissions." 3) Any and all records (including, but not limited to, dates, agendas, meeting minutes, electronic messages, notes, drafts, letters, calendar appointments, etc.) relating to EPA Region VI Arkansas Environmental Justice Update conference calls, including a list of participants in such conference calls. See letter for details.

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Information: MS Outlook email search needed for (USER NAME AND EMAIL ADDRESS).

Keywords:

Date Range: Start Date: MONTH/DATE/YEAR - End Date: MONTH/DATE/YEAR

Reviewers (this is the person who will review the records to see if it is responsive): Name and email addresses.

Ho, Nancy

From: Fanning, Patrick Joseph <Patrick.Fanning@troutmansanders.com>
Sent: Thursday, September 07, 2017 1:04 PM
To: R6 FOIA
Subject: RE: Follow-up Needed for FOIA Request: EPA-R6-2017-011225

Hi Ms. Ho:

Please find responses below to your inquiries.

Please clarify the date range of records requested for item 1-3 of your request is June 20, 2017 to Sept. 07, 2017.

- The date range of my request for item 1 is as stated in the letter.
- There is no date range for items 2 and 3 as those items relate to records associated with specific events

Please let us know if you are agreeable to rolling responses every 30 days.

- I would like my request to be fulfilled by the 20 day deadline required by 5 USC 552(a)(6)(A). I also request rolling production of records as they become available (not every 30 days).

We also need your decision on whether you are requesting publicly available information only or would you like a denial log of confidential business information (CBI). If there is any confidential business information found, please tell us if would you like to have this CBI substantiated at an additional expense. CBI substantiation is generally at minimum a one year process and an estimated additional \$1,000 dollars.

- As stated in the letter, I am requesting redacted production of any privileged or exempted materials and I am also requesting a denial log.
- I do not request CBI substantiation at this time.

Please contact me with any questions you may have regarding these responses.

Thank you,

Patrick

Patrick J. Fanning
troutman sanders
Direct: 804.697.1363
patrick.fanning@troutman.com

From: r6foia@epa.gov [mailto:r6foia@epa.gov]
Sent: Thursday, September 07, 2017 1:01 PM
To: Fanning, Patrick Joseph
Subject: Follow-up Needed for FOIA Request: EPA-R6-2017-011225

09/07/2017 12:54 PM

FOIA Request: EPA-R6-2017-011225

The EPA Region 6 FOIA office received your FOIA Request: EPA-R6-2017-011225 in which you requested the following:

1) Any and all records (including, but not limited to, meeting minutes, electronic messages, notes, drafts, letters, calendar appointments, etc.) relating that certain Petition to EPA on behalf of the Ouachita Riverkeeper and Louisiana Environmental Action Network seeking an EPA objection under the Clean Water Act (CWA) to a draft National Pollutant Discharge Elimination System (NPDES) permit issued by the Arkansas Department of Environmental Quality (ADEQ) to Georgia-Pacific, LLC for its paper mill, chemical plant, and related facilities in Crossett, Arkansas, and alleging CWA violations filed on or about May 3, 2017. Please provide these records for the timeframe of June 20, 2017, the date of my previous request (Request# EPA-R6-2017-008647), to the present.

2) Any and all records (including, but not limited to, meeting minutes, electronic messages, notes, drafts, letters, calendar appointments, etc.) relating to that certain meeting held on or about August 16, 2016 at the Crossett Public Library regarding "Crossett Conversation on Environmental Odors and Hydrogen Sulfide Emissions."

3) Any and all records (including, but not limited to, dates, agendas, meeting minutes, electronic messages, notes, drafts, letters, calendar appointments, etc.) relating to EPA Region VI Arkansas Environmental Justice Update conference calls, including a list of participants in such conference calls.

We need you assistance in processing this FOIA request. Please provide additional clarification.

Please clarify the date range of records requested for item 1-3 of your request is June 20, 2017 to Sept. 07, 2017.

Please let us know if you are agreeable to rolling responses every 30 days.

We also need your decision on whether you are requesting publicly available information only or would you like a denial log of confidential business information (CBI). If there is any confidential business information found, please tell us if would you like to have this CBI substantiated at an additional expense. CBI substantiation is generally at minimum a one year process and an estimated additional \$1,000 dollars.

We look forward to your response. In the meanwhile your FOIA request is currently on hold. We will assume you are voluntarily withdrawing your FOIA request if we do not receive a response before Sept. 22, 2017.

Sincerely,

Nancy Ho

EPA Region 6 FOIA Team

This e-mail message (and any attachments) from Troutman Sanders LLP may contain legally privileged and confidential information solely for the use of the intended recipient. If you received this message in error, please

delete the message and notify the sender. Any unauthorized reading, distribution, copying, or other use of this message (and attachments) is strictly prohibited.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200

DALLAS, TEXAS 75202-2733

CERTIFICATION OF ADEQUACY OF SEARCH ON
"NO RECORD" RESPONSES

I, _____, certify that I am employed by the Environmental Protection Agency, Region 6, in Dallas, Texas (or acting as a representative) as _____, that I am familiar with the records requested and/or that I am responsible for conducting the search for responsive records for Request Identification Number **EPA-R6-**_____, and that I have conducted an "adequate" search for responsive records by searching the below listed location(s) (as applicable):

- 1.
- 2.
- 3.

I further certify that I am aware that a search for responsive records need not be perfect, only adequate and that adequacy is measured and/or determined by the "reasonableness" of the effort of the search in light of the specific request. Specifically, I have searched for the documents in all places that it is practical for the documents to be located. Moreover, after conducting an adequate search for records on behalf of the

_____ Division/Unit, I have located no records responsive to this request or portions thereof. Further, I am attaching an itemized listing of all records which my search supports are not in the Region's possession.

Dated: _____, _____

Signature of Person Conducting Search

Dated: _____, _____

Signature of Designated Supervisor for
Person Conducting Search

Approved by OGC

STAFF CHECKLIST FOR TRANSMITTAL OF RECORDS/INFORMATION

EPA-R6-

YES NO N/A

Program has responsive records

Searched all possible locations (hard copy/e-mail,
Files in workstation, file rooms, hard/flash/shared drives,
CDs, blackberries etc.)

Advised RFO/DFC of any special circumstances/
Sensitivity related to the FOIA Request

Consulted with the FOIA Requester and/or RFO/DFC
For further clarification of the request

Completed "Certification of Adequate Search" form
for "No Records" Response

Completed Cost Sheet

Provided responsive records to the assigned FOIA
Specialist by due date on transmittal form

Date: _____ Signature: _____ Ext. _____

Printed Name: _____ Office Name: _____

COMMENTS: _____

**THIS FORM SHOULD BE COMPLETED AND RETURNED TO THE REGIONAL
FOI OFFICER ALONG WITH THE RESPONSIVE RECORDS, A COST SHEET AND
"NO RECORDS" CERTIFICATION FORM (IF NECESSARY), FOR EACH FOIA
REQUEST PROCESSED.**

INTERNAL USE ONLY – DO NOT SEND THIS TO REQUESTER

Please read instructions on back before completing form.

FOIA FEE CALCULATION WORK SHEET

1.REQUEST NUMBER EPA-R6-	2.TYPE OF REQUESTER	3.DATE COMPLETED	4.ACTION OFFICE
NOTE: The Freedom of Information Act and EPA's regulations state that the Federal Government must obtain a fee commitment from a FOIA requester before billing can occur. So if no fee commitment is plainly given in the request letter or if other Divisions also have records, please contact the requester. Provide the requester with an estimate. Make sure the requester understands what program records you refer to and make a note of his/her fee commitment.			
5. FEE COMMITMENT AMT		6. DATE OF VERBAL/WRITTEN COMMITMENT	7. FEE COMMITMENT RECEIVED FROM
8. CLERICAL PERSONNEL		TOTAL HRS	¼ HOUR RATE COST
a. Search - \$4.00 @ ¼ HOUR			x \$4.00 =
b. Review - \$4.00 @ ¼ HOUR			x \$4.00 =
9. PROFESSIONAL PERSONNEL		TOTAL HRS	¼ HOUR RATE COST
a. Search - \$7.00 @ ¼ HOUR			x \$7.00 =
b. Review - \$7.00 @ ¼ HOUR			x \$7.00 =
10. MANAGERIAL PERSONNEL		TOTAL HRS	¼ HOUR RATE COST
a. Search - \$10.25 @ ¼ HOUR			x \$10.25 =
b. Review - \$10.25 @ ¼ HOUR			x \$10.25 =
11. DUPLICATION/REPRODUCTION		TOTAL	RATE OR ACTUAL COST
a. Paper or Computer Page (2 sided copy = 2 copies)			x \$.15 pg =
b. Diskette or CD (Specify 3 CD's, 1 CD etc.)			x \$ 1.00 each =
c. Microfiche			x \$ 1.00/sheet =
d. Microfilm			x \$10.00/cartridge =
e. Video or Audio Cassette (Specify)			x \$5.00/each =
f. Maps			
g. Photos			
12. OTHER COSTS		TOTAL	RATE OR ACTUAL COST
a. Computer Cost			x =
b. Certifications			x \$25.00 =
c. Special Handling – Overnight Mail			x =
d. Other			x =
13. ACTUAL ADMIN. COST FOR NON-BILLABLE STAFF TIME		TOTAL	¼ HOUR RATE COST
a. Preparer's Name: _____ Grade/Step: _____			x =
b. Preparer's Name: _____ Grade/Step: _____			
14. FOR FOIA OFFICE USE ONLY			
a. TOTAL ADMINISTRATIVE/PROCESSING FEES _____		c. TOTAL CHARGED _____	
b. TOTAL COLLECTABLE FEES _____		d. FEES WAIVED/REDUCED YES OR NO	

INSTRUCTIONS FOR COMPLETING THE FOIA FEE CALCULATION WORK SHEET

Pursuant to the Electronic Freedom of Information Act Amendment of 1996, the Annual Report to Congress that all agencies are required to submit must include the administrative cost to implement FOIA.

The FOI Office will generate a bill for the requester but we also need your help to capture the actual administrative cost to process a FOIA request. Therefore, this worksheet is to be completed for all FOIA requests by all personnel involved in answering a FOIA request. Please complete the following information and return it to the FOIA Office along with a copy of the response letter. If you have any questions, please contact Leticia Lane at 214-665-7202 or lane.leticia@epa.gov.

1. REQUESTER NUMBER - e.g., 06-FOIA-0342-03.

2. TYPE OF REQUESTER

#1 Commercial Use Request: requester charged for search, review & duplication costs.

#2 Educational & Non-Commercial Scientific Institutions: requester charged for duplication costs excluding the first 100 pages.

#3 Representative of the news media: requester charged for duplication costs excluding the first 100 pages.

#4 All Other Requests: requester charged for search & duplication time excluding the first two hours of search time & the first 100 pages of duplication.

3. DATE COMPLETED - Enter month, day and year.

4. ACTION OFFICE - Mail code of responder.

5. FEE COMMITMENT AMT - fee commitment amount received from requester for the processing of FOIA request.

No Fee Charged for \leq \$14.00

Bills sent between \$14.01 - \$25.00, no payment assurance required
Written Assurance of payment from requester for amounts > \$25.00

6. DATE OF VERBAL / WRITTEN COMMITMENT - date when verbal or written fee commitment was given.

7. FEE COMMITMENT RECEIVED FROM - name of person from which you received verbal or written fee commitment.

8. CLERICAL PERSONNEL - enter total hours x hourly rate = cost.

a. Search - Time spent in locating the requested information.

b. Review - Time spent in reviewing the document content for releasable documents.

9. PROFESSIONAL PERSONNEL - enter total hours x hourly rate = cost.

Search/Review - see explanation above.

10. MANAGERIAL PERSONNEL - enter total hours x hourly rate = cost.

Search/Review - see explanation above

11. DUPLICATION / REPRODUCTION - Enter Total x Rate or Actual = Cost.

12. OTHER COSTS - Enter Total x Rate or Actual = cost.

13. ACTUAL ADMIN. COST FOR NON-BILLABLE STAFF TIME -
enter total x hour rate = cost

Time spent in activity other than above, such as hand carrying documents to other locations, restoring files, preparing ltr, telephone calls etc.

a. Preparer's Name is the person who prepares ltrs/telephone calls etc. Grade/Step is grade & step of preparer.

14. FOR FOIA OFFICE USE ONLY

a. Total Administrative / Processing Fees - add the actual administrative cost block in the cost column.

b. Total Collectable Fees - add the review / search blocks in the cost column.

c. Total Charged - enter the amount that the requester was charged.

d. Fees Waived / Reduced - indicate if the cost of processing the request was waived or reduced by circling yes or no.